# PRE-TRIAL & HOUSEKEEPING

1. Enter appearances, who you are representing & tell the judge what you will be doing throughout the trial (i.e. opening statement, direct of , etc.)

“Good morning/afternoon Your Honor. My name is \_\_\_\_ and I represent the Plaintiff, \_\_\_\_”

“Good morning/afternoon Your Honor. My name is \_\_\_\_ and I represent the Defendant, \_\_\_\_”

2. Ask permission to move about the well of the courtroom & ask the judge’s preference for approaching opposing counsel, the witness and the bench.

“Your Honor, since we have not had the pleasure of appearing in your courtroom before, do we have Your Honor’s permission to move freely about the well? Would you like us to ask for permission to approach the witness, opposing counsel, and the bench?”

3. Request all objections be heard constructively at sidebar.

“May we assume that all objection arguments be heard constuctively at sidebar outside the presence of the jury?”

4. Ask that all witnesses be constructively sequestered.

“Pursuant to rule 615, we ask that all witnesses except for the defendant be constructively sequestered.”

5. Ask judge’s permission on handling markings of exhibits (i.e. use the pre-markings or mark the exhibits in order as the trial progresses.)

“The exhibits have already been pre-marked and we have already agreed with the defense/prosecution to use the pre-markings. Do we have Your Honor’s permission to use those pre-markings when handling the exhibits?”

# MOTIONS IN LIMINE

Your Honor, the (plaintiff/defense) moves to preclude testimony regarding . Under (rule of evidence, stipulation, etc.), such evidence is inadmissible. To provide the court a brief factual background, (brief recitation of facts relevant to your motion). Pursuant to (rule of evidence, stipulation, etc.) this evidecne is inadmissible because (explain why the law makes it inadmissible).

# MOTION FOR A JUDGMENT OF ACQUITTAL (JoA)

# (Made by the defense after the prosecution rests)

Your Honor, at this time, the Defense moves for a judgment as a matter of law pursuant to Federal Rule of Civil Procedure 50 and the dismissal of the \_\_\_\_\_ claim against Zeta Lambda Nu. Even when viewing the evidence in the light most favorable to the non-moving party, which in this case is the Plaintiff, no reasonable juror could conclude from the evidence present that ZLN is liable for the injuries sustained by the Plaintiff. The Plaintiff has failed to establish that ZLN owed Kay Denning a duty of care and failed to establish that ZLN breached that duty.

DEFENSE - RENEW YOUR MOTION FOR JoA BEFORE CLOSING ARGUMENTS